

1 change. There is a request for permission to file an appeal
2 from an order of mine which added some issues against the
3 application of Moonbeam, how that's going to come out, and
4 we're going to get a response from Mr. Fitch -- that is, from
5 Mr. Willson, I should say, within five days after today.
6 There is pending, awaiting ruling, a third Petition to Enlarge
7 Issues against Moonbeam filed by Willson. The pleading cycle
8 on all that hasn't, hasn't run yet. I think yesterday
9 something came in, a supplement or something. That's going to
10 require more time for a response to that, so what I'm saying
11 is that I don't know just when we will reconvene, but it will
12 be done as quickly as I'm able to do it. So for now we will
13 be in recess. Thank you very much.

14 (Whereupon, the hearing adjourned at 12:10 p.m.).
15
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25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

APPLICATIONS OF MOONBEAM, INC. AND GARY E. WILLSON

Name

MM DOCKET NO. 93-42

Docket No.

WASHINGTON, D.C.

Place

JULY 22, 1993

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 171 through 270, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

July 30, 1993

Date

Cheryl L. Phipps
Cheryl L. Phipps, Transcriber
Free State Reporting, Inc.

August 2, 1993

Date

Diane S. Windell
Diane S. Windell, Proofreader
Free State Reporting, Inc.

August 2, 1993

Date

Marykae Fleishman
Marykae Fleishman, Reporter
Free State Reporting, Inc.

FREE STATE REPORTING, INC.

Court Reporting Depositions
D.C. Area 261-1902
Balt. & Annap. 974-0947

Before The
Federal Communications Commission
Washington, D.C. 20554

In re Applications Of)	Docket No. MM 93-42
)	
MOONBEAM, INC.)	File No. BPH-911115MG
)	
GARY E. WILLSON)	File No. BPH-911115MO
)	
For a Construction Permit for a)	
New FM Station on Channel)	
265A in Calistoga, California)	

DIRECT CASE EXHIBITS

OF

MOONBEAM, INC.

Federal Communications Commission

Docket No. 93-42 Exhibit No. ONE

Presented by MOONBEAM, INC.

Disposition	}	Identified	<u>✓</u>
		Received	<u>✓</u>
		Rejected	<u> </u>

Reporter M. K. FLEISHMAN

Date 7/27/93

DECLARATION

I, Mary Fairbanks Constant, under penalty of perjury, declare as follows:

1. I am President, sole director and sole shareholder of Moonbeam, Inc. ("Moonbeam"), an applicant for a construction permit for authority to build and operate a new FM broadcast station on Channel 265A at Calistoga, California.

I. Corporate Data

2. Moonbeam is a corporation duly formed under the laws of the State of Idaho. Moonbeam is legally empowered to construct and operate the radio station it proposes.

3. Moonbeam's officers, directors and/or shareholders, and the nature of their respective interests are as follows:

<i>Principal</i>	<i>Citizenship</i>	<i>Office</i>	<i>Director</i>	<i>Ownership</i>
Mary F. Constant	US	President	Yes	100%
Pat Van Paepeghem	US	Secretary	No	0%

II. Diversity of Media Ownership

4. Moonbeam has no ownership in any medium of mass communication. Mary F. Constant and Pat Van Paepeghem have no ownership in any medium of mass communications. Moonbeam, which is authorized to issue up to 100,000 shares of common stock at \$100.00 per share, has issued ten shares, all of which were purchased and are owned by Mary F. Constant. Each share of Moonbeam's common stock is entitled to one vote. There are no other classes of stock.

1 III. Integration of Ownership and Management

2 5. Mary F. Constant will be active on a full-time basis for at
3 least forty (40) hours per week, in the day-to-day operation of
4 Moonbeam's station as General Manager. As General Manager, her du-
5 ties and responsibilities will include, but will not be limited to:

- 6 • supervision and oversight of all departments of the
7 station, including business, sales, traffic, program-
8 ming engineering and administration;
- 9 • determination on a day-to-day basis of all station poli-
10 cies;
- 11 • formulation, supervision and maintenance of the
12 station's overall operating budget;
- 13 • recruitment, hiring, evaluation, promotion and dis-
14 missal of station personnel;
- 15 • selection, purchase and acquisition of all equipment
16 (hardware and software) used at the station;
- 17 • supervision of the station's construction; and
- 18 • overall supervision of all station operations including
19 programming.

20 21 IV. Auxiliary Transmitter

22 6. Moonbeam will install auxiliary power generating equipment at
23 both its proposed studio and transmitter site locations. The auxiliary
24 equipment will allow Moonbeam to serve the Calistoga, California
25 community during commercial power failures and thereby provide
26 emergency weather and other information to local listeners.

27 V. Gender Preference

28 7. Ms. Constant, a female, claims whatever comparative en-
29 hancement may now exist for her gender.

1 The statements of fact contained in this Declaration are true
2 and correct of my personal knowledge, with the exception of such
3 statements of which the Commission may take official notice, as well as
4 such statements based upon incorporation by reference to materials in
5 the files of the Commission, and as to such statements, I believe them to
6 be true.

7 Executed under penalty of perjury this 30 day of June, 1993.

8

9

MOONBEAM, INC.

10

11

By Mary Fairbanks Constant
Mary Fairbanks Constant
President

DECLARATION

1 I, Mary Fairbanks Constant, under penalty of perjury, declare as
2 follows:

3 1. Mary Fairbanks Constant, a citizen of the United States, is
4 President, sole director and sole shareholder of Moonbeam, Inc.
5 ("Moonbeam"), an applicant for the construction permit for authority to
6 build and operate a new FM broadcast station on Channel 265A at
7 Calistoga, California.

8 2. Effective April 28, 1993, Ms. Constant became a homeowner
9 and full-time resident of Calistoga, California. Her address is 2121
10 Diamond Mountain Road, Calistoga, California 94515. This is fulfillment
11 of the commitment made in Moonbeam's application prior to April 1993
12 that Ms. Constant would relocate to within the service area of the
13 proposed station. Ms. Constant's property includes a vineyard, which
14 her husband operates. Ms. Constant's residence is in the community of
15 license of Moonbeam's proposed station, and is within the proposed
16 station's 1.0 mV/m contour.

17 **I. Diversity of Media Ownership**

18 3. Mary F. Constant has no ownership interest in, or control of,
19 any medium of mass communications in Calistoga, California, or
20 elsewhere.

21 **II. Integration**

22 4. As Moonbeam's President, sole director and sole shareholder,
23 Ms. Constant has full and exclusive power and authority to manage,
24 control and administer the business and affairs of the corporation. Ms.
25 Constant will serve Moonbeam as full-time general manager of
26 Moonbeam's FM station in Calistoga, California, and will devote a
27 minimum of forty (40) hours per week to the station's operation.

Federal Communications Commission

Docket No. 93-42 Exhibit No. TWO

Presented by MOONBEAM, INC.

Disposition	}	Identified	<u>✓</u>
		Received	<u>✓</u>
		Rejected	<u> </u>

Reporter M.K. FLEISHMAN

Date 7/21/93

1 As General Manager, Ms. Constant's duties and responsibilities will
2 include, but will not be limited to:

3

- 4 • supervision and oversight of all departments of the
5 station, including business, sales, traffic, program-
6 ming engineering and administration;
- 7 • formulation, supervision and maintenance of the
8 station's overall operating budget;
- 9 • determination on a day-to-day basis of all station
10 policies;
- 11 • recruitment, hiring, evaluation, promotion and dis-
12 missal of station personnel;
- 13 • selection, purchase and acquisition of all equipment
14 (hardware and software) used at the station;
- 15 • supervision of the station's construction; and
- 16 • overall supervision of all station operations including
17 programming.

18

19

20 III. Personal Background

21 A. Personal Vitae

22 5. Mary Fairbanks Constant was born on February 26, 1946. On
23 her last birthday, she was 47 years old.

24 6. From 1946 until 1969, Ms. Constant resided in Sonoma
25 County, which is contiguous to Napa County, the county in which
26 Calistoga is located. Ms. Constant moved to Calistoga, California in April,
27 1993, and resides there full-time. Should Moonbeam's application be
28 granted, Ms. Constant will maintain her residence in Calistoga and
29 within the primary service area of Moonbeam's FM station.

1 B. Education

2 7. Ms. Constant attended St. Vincent's High School in Petaluma,
3 California where she graduated in June, 1964. From September, 1964
4 through June, 1966, Ms. Constant attended Sonoma State University in
5 Rohnert Park, California. Her major was psychology. Rohnert Park is
6 only about four miles outside the 1 mV/m contour of Moonbeam's
7 proposed station. From September, 1966 through June, 1969 she
8 attended San Jose State University, and in June, 1969 received a
9 Bachelor of Arts degree in Psychology from that institution. From
10 October, 1971 through August, 1972, she attended University of San
11 Francisco, where she received a Secondary Education Credential. Since
12 receiving her bachelor's degree, Ms. Constant has continued to take
13 occasional courses to supplement her skills and knowledge, such as
14 acting, real estate and computer science.

15 C. Civic Involvement

16 8. From 1963-1964, during her years of residence in Sonoma
17 County, Ms. Constant served as a Junior Grey Lady at the Petaluma
18 Hospital, Petaluma, Sonoma County, California. Since February, 1992
19 Ms. Constant has been a member of the Calistoga Chamber of
20 Commerce, the Sharpsteen Museum, and the Calistoga Performing Arts
21 Association, all civic organizations located in Calistoga, California. The
22 Calistoga Performing Arts Association has since ceased operations.
23 Further, she is and has been since June, 1992 a member of the
24 Daughters of the California Pioneers. Ms. Constant has served since
25 May, 1992 as a volunteer for the Napa Valley Wine Auction, St. Helena,
26 California, a benefit for Napa Valley hospitals, and since 1988 has served
27 as a docent at the Terwillager Nature Education Center, which provides
28 services to elementary schools in Napa and Sonoma counties.

1 The Terwillager Nature Education Center is located in Corte Medera,
2 California. In November, 1992, Ms. Constant became a Provisional
3 Member of the Napa/Sonoma Junior Service League.

4 E. Employment

5 9. For several years after her graduation from college in June,
6 1969, Ms. Constant was employed in various full and part time positions
7 in Idaho, California and Washington State. From 1977 through 1979,
8 Ms. Constant was the owner and sales manager of Directory Graphics, a
9 telephone directory publishing company serving Idaho and Washington
10 State. In January, 1979, Ms. Constant became employed by *The*
11 *Oregonian/Oregon Journal* newspapers in Portland, Oregon. She
12 continued in that field until June, 1983.

13 10. In 1982, Ms. Constant developed an interest in real estate,
14 and after obtaining a real estate license, joined Lutz-Snyder Real Estate,
15 where she was an associate realtor until June, 1986. Since July, 1986,
16 Ms. Constant has served as Manager of "Shoot the Moon," a location for
17 movies and television commercials, and has occasionally been employed
18 as an occasional actress and model.

19 11. In addition to the time spent prosecuting Moonbeam's
20 application and planning Moonbeam's proposed station, Ms. Constant is
21 presently licensed as a realtor in California. James E. Warren & Son
22 (Realtors), 1414 Main Street, St. Helena, California, holds her license as
23 an associate realtor. St. Helena is located within the 1.0 mV/m contour
24 of Moonbeam's proposed radio station. In the event that Moonbeam's ap-
25 plication is granted, Ms. Constant will terminate any other current em-
26 ployment in order to fulfill her integration commitment to work full-time
27 as General Manager of Moonbeam's radio station in Calistoga, California.

1

2 The statements of fact contained in this Declaration are true and
3 correct of my personal knowledge, with the exception of such statements
4 of which the Commission may take official notice, as well as such
5 statements based upon incorporation by reference to materials in the
6 files of the Commission, and as to such statements, I believe them to be
7 true.

8 Executed under penalty of perjury this 30 day of June, 1993.

9

10

MOONBEAM, INC.

11

12

By Mary Fairbanks Constant
Mary Fairbanks Constant
President

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the following documents:

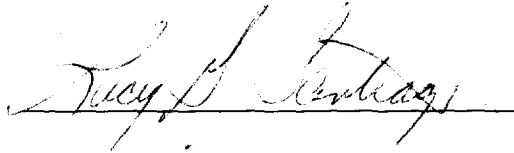
Moonbeam, Inc. Hearing Exhibit No. 1
Moonbeam, Inc. Hearing Exhibit No. 2

were mailed this date by First Class U.S. Mail, postage prepaid, or were hand-delivered*, to the following:

A. Wray Fitch, III, Esquire
Gammon & Grange
8280 Greensboro Drive
McLean, VA 22102-3807

Administrative Law Judge Edward Luton
2000 L Street, N.W.
Washington, D.C. 20036

Larry Miller, Esquire*
Federal Communications Commission
Mass Media Bureau, Hearing Branch
Suite 7212
2025 M Street, N.W.
Washington, D.C. 20554

A handwritten signature in cursive script, appearing to read "Tracy D. Antea", is written over a horizontal line.

July 2, 1993

GARY E. WILLSON
MARTHA MARY WILLSON
2 CORTE DEL BAYO
LARKSPUR, CA 94939-1502

CMA® Cash Management Account

725

11-12-91

25-80
440

PAY TO THE
ORDER OF

Federal Communications Commission 2030⁰⁰

Two Thousand and 30/100 DOLLARS

MS
Merrill Lynch

BANK ONE BANK ONE, COLUMBUS, OH
Columbus Ohio 43217

MEMO. Castagna FM FEE

⑆044000804⑆ 3029288493⑈ 0725

DOCKET FILE COPY ORIGINAL

Moorebeam Ex. No. 3

Federal Communications Commission

Docket No. 93-42 Exhibit No. THREE

Presented by MUNBEAM, INC.

Disposition	{	Identified	<u>✓</u>
		Received	<u>✓</u>
		Rejected	<u> </u>

Reporter MK FLEISHMAN

Date 11/22/93

FINANCIAL STATEMENT

DOCKET FILE COPY ORIGINAL

Gary E. & Martha-Mary Willson
Financial Statement As of November 15, 1991

ASSETS

CURRENT ASSETS

Cash in banks:

Bank of America	\$8,800.00
Hambrick & Quist (T-Note)	\$82,000.00
Charles Schab IRA'S	\$20,000.00
Merrill Lynch Money Market	\$195,000.00

Cash: Total \$305,800.00

Other assets:

Consolidated Property Masters	\$1,000.00
Stock Portfolio	\$308,919.00
EE US Savings Bonds	\$8,400.00

Total: Other assets \$318,319.00

TOTAL CURRENT ASSETS: \$624,119.00

FIXED ASSETS

Real Estate Owned

Personal Residence	\$550,000.00
Sandy Point, Bethel Island	\$500,000.00
Sandy Point, Sanger	\$740,000.00
Sandy Point, Antioch	\$1,000,000.00

Real Estate Owned: Total \$2,790,000.00

Business Owned

Speed-Dee Wash, Antioch	\$65,000.00
Speed-Dee Wash, Santa Rosa	\$125,000.00

Business Owned: Total \$190,000.00

Personal Assets

1990 Lincoln Towncar	\$15,000.00
1985 Volvo Station Wagon	\$8,200.00
Household furnishings	\$11,000.00
Gold & Silver Collection	\$5,000.00
Cameras and studio equipment	\$3,200.00

Personal Assets: Total \$42,400.00

Notes

Miller Mobile Home	\$22,000.00
Porter Mobile Home	\$4,500.00
Relatives notes	\$25,000.00

Notes: Total \$51,500.00

TOTAL FIXED ASSETS \$3,073,900.00

TOTAL ASSETS \$3,698,019.00

Moonbeam Ex. No. 4

FINANCIAL STATEMENT

Gary E. & Martha-Mary Willson
Financial Statement As of November 15, 1991

LIABILITIES

CURRENT LIABILITIES

Bank loans payable	\$0.00
Accounts payable	\$2,000.00
Taxes payable	\$0.00

TOTAL CURRENT LIABILITIES: \$2,000.00

LONG TERM LIABILITIES

Notes-Real Estate Owned

Mortgage-Personal Residence	\$203,000.00
1st DT-Sandy Point, Bethel Island	\$188,684.22
1st & 2nd DT-Sandy Point, Sanger	\$301,828.00
1st & 2nd DT-Sandy Point, Antioch	\$592,458.00

Notes-Real Estate Owned: Total \$1,285,970.22

Business Loans

Promissary Note, Santa Rosa	\$2,841.00
-----------------------------	------------

Business Loans: Total \$2,841.00

Auto Loans on Assets

1990 Lincoln Towncar-Auto Loan	\$8,826.00
--------------------------------	------------

Auto Loans: Total \$8,826.00

TOTAL LONG-TERM LIABILITIES \$1,299,637.22

TOTAL LIABILITIES \$1,301,637.22

NET WORTH \$2,396,381.78

LIABILITIES AND NET WORTH \$3,698,019.00

This financial statement is true and correct to the best of my knowledge.

Signed this 15th day of November 1991

Gary E. Willson

Martha-Mary Willson

Federal Communications Commission

Docket No. 93-42 Exhibit No. FOUR

Presented by MOONBEAM, INC

Disposition { Identified ☒
Received ☒
Rejected ☐

Reporter M.K. FLEISHMAN

Date 7/22/93

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

In re Applications of

MM DOCKET NO. 93-42

MOONBEAM, INC.

)

File No. BPH-911115MG

)

GARY E. WILLSON

)

File No. BPH-911115MO

)

For a Construction Permit
New FM Station on Channel 265A
in Calistoga, California

)

)

)

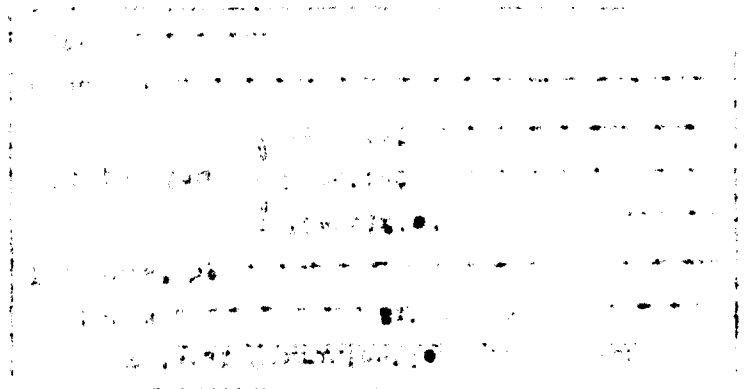
TO: The Honorable Edward Luton
Administrative Law Judge

**WRITTEN DIRECT CASE
EXHIBITS OF GARY E. WILLSON**

A. Wray Fitch III
Counsel for Gary E. Willson

GAMMON & GRANGE, P.C.
8280 Greensboro Drive
Seventh Floor
McLean, VA 22102-3807
(703) 761-5000

July 2, 1993



Federal Communications Commission

Docket No. 93-42 Exhibit No. ONE

Presented by WILSON

Disposition

Identified ☒

Received ☐

Rejected ☐

Reporter M. K. FLEISHMAN

Date 7/22/93

1.0 Structure.

Gary E. Willson is an individual applicant. He is the 100% owner of his application for a new FM station in Calistoga, California.

2.0 Integration.

Mr. Willson will serve as the station's full-time (no less than 40 hours per week, five days or more per week) general manager. He will be responsible for the overall operation and management of the station and he will make all station policy decisions. Station operations to be managed by Mr. Willson include programming, administration, personnel, sales, budgeting and engineering. He will be responsible for hiring and firing.

Mr. Willson is currently self-employed. He owns the following businesses: Speed-Dee Wash, Santa Rosa, California; Speed-Dee Wash, San Anselmo, California; Sandy Point Mobile Home Park, Bethel Island, California; Sandy Point Mobile Home Park, Antioch, California; and Sandy Point Mobile Home Park, Sanger, California. Mr. Willson is also the owner of Sandy Point IV, a residential development in Santa Rosa, California. This development consists of 11 low-income housing units which are occupied.

The Speed-Dee Wash laundries are currently both for sale and will be sold by Mr. Willson prior to initiation of program tests in the event his application is granted. He has had two offers to purchase the laundromats within the last 6 months. The laundromats were listed for sale during the first part of 1993.

Mr. Willson owned a laundromat in Fairfax County, California, which he sold in 1990.

Mr. Willson currently has no plans to sell his other businesses. However, in the event his application is granted, he will hire a professional management company to manage his three mobile home parks. At this time, he contemplates hiring Consolidated Property Masters which will be responsible for the overall management of all three mobile home parks. Consolidated Property Masters has already indicated its willingness to assume the additional responsibilities and will be hired prior to initiation of program tests. Consolidated Property Masters is already managing the Sanger mobile home park. Mr. Willson considers the company to be the largest and best property management company in the area. Each park, except the park in Antioch, already has its own on-site manager. The manager of the Bethel Island Park also currently manages the Antioch Park.

Mr. Willson is an absentee owner of the three mobile home parks. He visits the Antioch and Bethel Island Parks one day on average once every two months. He visits both parks on the same day as they are 11 miles apart. He visits the Sanger Park once every two to three months. The visit takes less than one day. The Bethel Island Park, a 24-space park which Mr. Willson purchased in 1989, is approximately an hour and 20 minute drive from Mr. Willson's residence. The Sanger Park, a 37-space park which Mr. Willson purchased in 1990, is approximately a 2.5 hour drive, and the Antioch Park, a 42-unit park purchased in 1990, is

approximately a one hour and five minute drive from Mr. Willson's residence. In addition to the time spent visiting his parks, Mr. Willson currently spends no more than a total of 5 hours per week on mobile home park related business. He supervises the manager of the Antioch and Bethel Island Parks and oversees the management of the Sanger Mobile Home Park currently managed by Consolidated Property Masters. Mr. Willson meets monthly near Antioch with Bob Heil, the manager of his Antioch and Bethel Island Parks for approximately two to three hours. He spends no more than two hours per week on the phone with his Antioch and Bethel Island manager, one hour per week with his on-site Sanger Park manager, and one hour per week with Consolidated Property Masters. Issues discussed include the tenants, maintenance problems, other management related issues, and issues related to the parks. Mr. Willson contemplates that once Consolidated Property Masters is managing all three parks, that his weekly time commitment to his mobile home parks will be on average no more than 4 hours per week, which includes any visits to the parks. Mr. Willson will not be required to visit the parks as often or speak to his on-site managers as often once Consolidated Property Masters is managing all the parks. Consolidated Property Masters will assume some of the responsibilities currently handled by Mr. Willson, such as certain day-to-day management issues, tenant concerns, accounting functions, and general oversight of the property managers.

Mr. Willson, effective July 1, 1993, has hired Louise and Alphonso Espinoza to manage his Sandy Point IV project. The manager collects the rent from tenants in the 11 occupied units, issues delinquency notices when necessary, maintains the grounds, and is responsible for the overall management of the project. Prior to hiring the Espinozas, Mr. Willson spent approximately 2 hours total per week on site and on the phone dealing with Sandy Point IV issues. Sandy Point IV is approximately a 35 minute drive from Mr. Willson's home. Mr. Willson's Sandy Point IV responsibilities include obtaining bids from contractors for necessary renovation such as painting, replacing roofs, etc. Mr. Willson has not and does not anticipate participating directly in any of the renovation work. Mr. Willson anticipates he will be required to spend no more than a total of one hour per week on matters relating to Sandy Point IV now that the Espinozas have been hired to manage the project. Also, much of the renovation work has been completed and there is less and less renovation left to be done. In addition to the duties referenced above, the Espinozas, who have a handyman service, will be responsible for handling routine repairs.

Mr. Willson has no other business interests. He will terminate any and all employment, if any, prior to initiation of program tests in order to effectuate his integration proposal.